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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PAUL TURPIN,  
*Petitioner*

v.

IMMIGRATION and NATURALIZATION  
SERVICE,  
*Respondent*

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:  
: Civil No. 1:01-CV-0168  
:  
:  
: (Judge Rambo) \_\_\_\_\_  
:  
:

FILED  
HARRISBURG

JUN 12 2001

MARY E. D'ANDREA, CLERK  
Per \_\_\_\_\_  
DEPUTY CLERK

**PETITIONER'S RESPONSE TO SUPPLEMENTAL**  
**BRIEF ON EQUAL PROTECTION ISSUE**

AND NOW comes the petitioner, Paul Turpin, by his attorney Daniel I. Siegel of the Federal Public Defender's Office, and files Petitioner's Response to Supplemental Brief on the Equal Protection Issue.

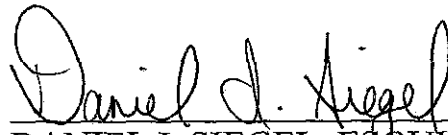
Paul Turpin has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. He seeks release from INS detention on two grounds. First, he argues that he is being indefinitely detained in violation of the due process clause of the Fifth Amendment. Second, he argues that recent amendments to the immigration statute deny him equal protection of the law, in that Congress irrationally denied family hardship waivers to legal aliens, but permitted such waivers for illegal aliens.

Following oral argument, the government filed supplemental briefing on the equal protection issue. In conjunction with that briefing, the government has produced court records reflecting that Mr. Turpin has prior convictions for the distribution or possession of heroin and cocaine. Based upon this new evidence, the government argues that Mr. Turpin would be ineligible for a family hardship waiver even if there were no difference in the treatment of legal and illegal aliens. Because of the absence of a connection between the alleged constitutional violation and an injury to Mr. Turpin, the government argues that relief should be denied on Issue 2.

Undersigned counsel is constrained to agree with the government's analysis. Exhibits submitted by the government indeed reflect prior convictions for the possession and/or distribution of heroin and cocaine. These convictions would preclude a family hardship waiver even if the defendant *were* an illegal alien. While the dichotomy between legal and illegal aliens may indeed violate equal protection principles, there is no resulting "injury in fact" to Mr. Turpin. For this reason, the constitutional claim is not justiciable, and relief must be denied on Issue 2. The indefinite detention claim, by contrast, is ripe for disposition.

WHEREFORE, it is respectfully requested that habeas relief be granted on  
Issue 1, the indefinite detention claim.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel I. Siegel", written over a horizontal line.

DANIEL I. SIEGEL, ESQUIRE  
Asst. Federal Public Defender  
100 Chestnut Street, Suite 306  
Harrisburg, PA 17101  
Attorney for Paul Turpin  
Attorney ID # 38910

**CERTIFICATE OF SERVICE**

I, Daniel I. Siegel, of the Federal Public Defender's Office do hereby certify that on this date I served a copy of the foregoing **PETITIONER'S RESPONSE TO SUPPLEMENTAL BRIEF ON THE EQUAL PROTECTION ISSUE** by hand delivering the same to the following:


Dulce Donovan, Esquire  
United States Attorney's Office  
Federal Building, Room 217  
228 Walnut Street  
Harrisburg, PA 17108

and by placing the same in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

Paul Turpin  
Pike County Jail  
HC 8, Box 8601  
Hawley, PA 18428

Date:

June 12, 2001

  
DANIEL I. SIEGEL, ESQUIRE  
Asst. Federal Public Defender  
Attorney for Paul Turpin